

REMARKS

Applicants first respectfully submit that the instant Response does not introduce new limitations to the claims or raise issues that would require additional search. Applicants are simply presenting sequence comparisons previously presented in a different format, based on the Examiner's suggestion given to the undersigned during a telephone interview on or about April 3, 2006. It is believed that the instant Response fully addresses the rejections raised in the Final Action. Therefore, entry of the instant §1.116 Response is respectfully requested.

In the Final Action dated January 25, 2006, claims 6-10 and 21-22 are pending and under examination. The Examiner has maintained the objections and rejections set forth in the previous Action. Specifically, the Examiner has objected to the priority claim of the present application. The Examiner has also rejected claims 6-10 and 21-22 under 35 U.S.C. §112, first paragraph for allegedly containing subject matter not described in the specification as originally filed. Further, the Examiner has rejected claims 6-10 and 21-22 under 35 U.S.C. §102(b) as allegedly anticipated by AN: Q92843 (GenBank), and by AN: P70345 (GenBank), respectively. Moreover, the Examiner has rejected claims 6-10 and 21-22 under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent 6,812,339.

The Examiner states that Applicants' submission in response to the previous Action has been considered, including the side-by-side comparisons of SEQ ID NO: 7 and SEQ ID NO: 9 with the respective sequences in the priority documents. The Examiner concludes that Applicants have failed to establish that the most recent versions of SEQ ID NO: 7 and SEQ ID NO: 9 of the present application, are also disclosed in the prior applications, i.e., Serial No. 09/155,327, PCT/AU97/00199 and PN8965. The Examiner is of the opinion that the side-by-side comparisons of the sequences in the present application with those in the priority documents

are "fragmented", and do not provide clear evidence that the sequences in the present application find support in the prior applications. Therefore, the Examiner has maintained all the previous rejections.

During a telephone interview with the Examiner on or about April 3, 2006, the undersigned discussed the Final Action with the Examiner and represented to the Examiner that the current versions of SEQ ID NO: 7 and 9 are clearly supported by Figures 1 and 8 filed in the present application, which are identical with Figures 1 and 8 filed in the parent case (Serial No. 09/155,327), respectively, and with Figures 1 and 8 filed in PCT/AU97/00199, respectively, as well as with Figures 1 and 8 filed in the Australian priority document PN8965. The Examiner indicated to the undersigned that a sequence alignment in an art-recognized format should be submitted which aligns the sequences in the present application, the sequences in the parent case, the supporting sequences in PCT/AU97/00199, and the supporting sequences in PN8965, in order to clearly demonstrate the support for the current versions of SEQ ID NO: 7 and SEQ ID NO: 9 in the prior applications.

Applicants, through the undersigned, wish to thank Examiner Kaushal for the courtesy and assistance extended on behalf of Applicants during the telephone interview. Based on the Examiner's suggestion, Applicants are providing herewith two sequence alignments in an art-recognized format, as set forth in **Exhibit 1** and **Exhibit 2**.

In **Exhibit 1**, Applicants have aligned six sequences, designated as "'674 SEQ ID: 7", "'674 Fig.8 Bclw", "'327 SEQ ID: 7", "'327 Fig.8 Bclw", "PCT Fig.8 Bclw" and "PN8965 Fig.8 Bclw". Applicants state that:

- the sequence designated as "'674 SEQ ID: 7" represents and is identical with SEQ ID NO: 7 of the present application, filed on May 6, 2004 (i.e., the most recent

- version filed in the present application);
- the sequence designated as "'674 Fig.8 Bclw" represents and is identical with the Bclw sequence found in Figure 8 of the present application;
 - the sequence designated as "'327 SEQ ID: 7" represents and is identical with SEQ ID NO: 7 in the parent application as it appears in the issued patent (U.S. Patent 6,790,637);
 - the sequence designated as "'327 Fig.8 Bclw" represents and is identical with the Bclw sequence found in Figure 8 as filed in the parent application;
 - the sequence designated as "PCT Fig.8 Bclw" represents and is identical with the Bclw sequence found in Figure 8 of PCT/AU97/00199; and
 - the sequence designated as "PN8965 Fig.8 Bclw" represents and is identical with the Bclw sequence found in Figure 8 of PN8965.

As clearly shown by the alignment in **Exhibit 1**, all the six sequences are identical along the entire length (193 amino acids) of the sequences.

In **Exhibit 2**, Applicants have also aligned six sequences, designated as "'674 SEQ ID: 9", "'674 Fig.1 Bclw", "'327 SEQ ID: 9", "'327 Fig.1 Bclw", "PCT Fig.1 Bclw" and "PN8965 Fig.1 Bclw". Applicants state that:

- the sequence designated as "'674 SEQ ID: 9" represents and is identical with SEQ ID NO: 9 of the present application, filed on May 6, 2004 (i.e., the most recent version filed in the present application);
- the sequence designated as "'674 Fig.1 Bclw" represents and is identical with the Bclw sequence found in Figure 1 of the present application;
- the sequence designated as "'327 SEQ ID: 9" represents and is identical with SEQ ID NO: 9 in the parent application as it appears in the issued patent (U.S. Patent 6,790,637);
- the sequence designated as "'327 Fig.1 Bclw" represents and is identical with the Bclw sequence found in Figure 1 as filed in the parent application;
- the sequence designated as "PCT Fig.1 Bclw" represents and is identical with the

- Bclw sequence found in Figure 1 of PCT/AU97/00199; and
- the sequence designated as "PN8965 Fig.1 Bclw" represents and is identical with the Bclw sequence found in Figure 1 of PN8965.

As clearly shown by the alignment in **Exhibit 2**, all the six sequences are identical along the entire length (193 amino acids) of the sequences.

Applicants respectfully submit that the sequence alignments provided in **Exhibits 1-2** clearly establish that the current versions of SEQ ID NO: 7 and SEQ ID NO: 9 of the present application, are fully supported by the Figures filed in the present applications, by the sequences and Figures of the parent case, as well as by the Figures filed the PCT application and in the priority document.

In view of the foregoing, it is respectfully submitted that the Examiner's objection to the priority claim of the present application and the rejection of claims 6-10 and 21-22 under 35 U.S.C. §112, first paragraph, are overcome. Withdrawal of the objection and the rejection is therefore respectfully requested.

Further, with respect to the §102 rejections, because Applicants have established that SEQ ID NOS: 7 and 9 are entitled to the priority date of PN8965, i.e., March 27, 1996, the cited references are not prior art relative to the claimed invention. Withdrawal of the rejections under 35 U.S.C. §102(b) and 102(e) is also respectfully requested.

In view of the foregoing, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



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Encs.: Exhibits 1-2

EXHIBIT 1

'674 SEQ ID:7	MATPASAPDTRALVADFVGKLRQKGYVCGAGPGEGPAADPLHQAMRAAGDEFETRFRRT	60
'674 Fig.8 Bclw	MATPASAPDTRALVADFVGKLRQKGYVCGAGPGEGPAADPLHQAMRAAGDEFETRFRRT	60
'327 SEQ ID:7	MATPASAPDTRALVADFVGKLRQKGYVCGAGPGEGPAADPLHQAMRAAGDEFETRFRRT	60
'327 Fig.8 Bclw	MATPASAPDTRALVADFVGKLRQKGYVCGAGPGEGPAADPLHQAMRAAGDEFETRFRRT	60
PCT Fig.8 Bclw	MATPASAPDTRALVADFVGKLRQKGYVCGAGPGEGPAADPLHQAMRAAGDEFETRFRRT	60
PN8965 Fig.8 Bclw	MATPASAPDTRALVADFVGKLRQKGYVCGAGPGEGPAADPLHQAMRAAGDEFETRFRRT	60
'674 SEQ ID:7	FSDLAAQLHVTPGSAQQRFTQVSDLEFQGGPNWGRLVAFFVFGAALCAESVNKEMEPLVG	120
'674 Fig.8 Bclw	FSDLAAQLHVTPGSAQQRFTQVSDLEFQGGPNWGRLVAFFVFGAALCAESVNKEMEPLVG	120
'327 SEQ ID:7	FSDLAAQLHVTPGSAQQRFTQVSDLEFQGGPNWGRLVAFFVFGAALCAESVNKEMEPLVG	120
'327 Fig.8 Bclw	FSDLAAQLHVTPGSAQQRFTQVSDLEFQGGPNWGRLVAFFVFGAALCAESVNKEMEPLVG	120
PCT Fig.8 Bclw	FSDLAAQLHVTPGSAQQRFTQVSDLEFQGGPNWGRLVAFFVFGAALCAESVNKEMEPLVG	120
PN8965 Fig.8 Bclw	FSDLAAQLHVTPGSAQQRFTQVSDLEFQGGPNWGRLVAFFVFGAALCAESVNKEMEPLVG	120
'674 SEQ ID:7	QVQEWNVAYLETRLADWIHSSGGWAEFTALYGDGALEEARRLREGNWSVRTVLTGAVAL	180
'674 Fig.8 Bclw	QVQEWNVAYLETRLADWIHSSGGWAEFTALYGDGALEEARRLREGNWSVRTVLTGAVAL	180
'327 SEQ ID:7	QVQEWNVAYLETRLADWIHSSGGWAEFTALYGDGALEEARRLREGNWSVRTVLTGAVAL	180
'327 Fig.8 Bclw	QVQEWNVAYLETRLADWIHSSGGWAEFTALYGDGALEEARRLREGNWSVRTVLTGAVAL	180
PCT/AU97/00199	QVQEWNVAYLETRLADWIHSSGGWAEFTALYGDGALEEARRLREGNWSVRTVLTGAVAL	180
PN8965 Fig.8 Bclw	QVQEWNVAYLETRLADWIHSSGGWAEFTALYGDGALEEARRLREGNWSVRTVLTGAVAL	180
'674 SEQ ID:7	GALVTVGAFFASK	193
'674 Fig.8 Bclw	GALVTVGAFFASK	193
'327 SEQ ID:7	GALVTVGAFFASK	193
'327 Fig.8 Bclw	GALVTVGAFFASK	193
PCT Fig.8 Bclw	GALVTVGAFFASK	193
PN8965 Fig.8 Bclw	GALVTVGAFFASK	193

Exhibit-1

EXHIBIT 2

'674 SEQ ID:9	MATPASTPDTRALVADFVGKLRQKGYVCGAGPGEGPAADPLHQAMRAAGDEFETRFRRT	60
'674 Fig.1 Bclw	MATPASTPDTRALVADFVGKLRQKGYVCGAGPGEGPAADPLHQAMRAAGDEFETRFRRT	60
'327 SEQ ID:9	MATPASTPDTRALVADFVGKLRQKGYVCGAGPGEGPAADPLHQAMRAAGDEFETRFRRT	60
'327 Fig.1 Bclw	MATPASTPDTRALVADFVGKLRQKGYVCGAGPGEGPAADPLHQAMRAAGDEFETRFRRT	60
PCT Fig.1 Bclw	MATPASTPDTRALVADFVGKLRQKGYVCGAGPGEGPAADPLHQAMRAAGDEFETRFRRT	60
PN8965 Fig.1 Bclw	MATPASTPDTRALVADFVGKLRQKGYVCGAGPGEGPAADPLHQAMRAAGDEFETRFRRT	60
'674 SEQ ID:9	FSDLAAQLHVTPGSAQQRFTQVSDELFGGGPNWGRLVAFFVFGAALCAESVNKEMEPLVG	120
'674 Fig.1 Bclw	FSDLAAQLHVTPGSAQQRFTQVSDELFGGGPNWGRLVAFFVFGAALCAESVNKEMEPLVG	120
'327 SEQ ID:9	FSDLAAQLHVTPGSAQQRFTQVSDELFGGGPNWGRLVAFFVFGAALCAESVNKEMEPLVG	120
'327 Fig.1 Bclw	FSDLAAQLHVTPGSAQQRFTQVSDELFGGGPNWGRLVAFFVFGAALCAESVNKEMEPLVG	120
PCT Fig.1 Bclw	FSDLAAQLHVTPGSAQQRFTQVSDELFGGGPNWGRLVAFFVFGAALCAESVNKEMEPLVG	120
PN8965 Fig.1 Bclw	FSDLAAQLHVTPGSAQQRFTQVSDELFGGGPNWGRLVAFFVFGAALCAESVNKEMEPLVG	120
'674 SEQ ID:9	QVQDWMVAYLETRLADWIHSSGGWAEFTALYGDGALEEARLREGNWASVRTVLTGAVAL	180
'674 Fig.1 Bclw	QVQDWMVAYLETRLADWIHSSGGWAEFTALYGDGALEEARLREGNWASVRTVLTGAVAL	180
'327 SEQ ID:9	QVQDWMVAYLETRLADWIHSSGGWAEFTALYGDGALEEARLREGNWASVRTVLTGAVAL	180
'327 Fig.1 Bclw	QVQDWMVAYLETRLADWIHSSGGWAEFTALYGDGALEEARLREGNWASVRTVLTGAVAL	180
PCT Fig.1 Bclw	QVQDWMVAYLETRLADWIHSSGGWAEFTALYGDGALEEARLREGNWASVRTVLTGAVAL	180
PN8965 Fig.1 Bclw	QVQDWMVAYLETRLADWIHSSGGWAEFTALYGDGALEEARLREGNWASVRTVLTGAVAL	180
'674 SEQ ID:9	GALVTVGAFFASK	193
'674 Fig.1 Bclw	GALVTVGAFFASK	193
'327 SEQ ID:9	GALVTVGAFFASK	193
'327 Fig.1 Bclw	GALVTVGAFFASK	193
PCT Fig.1 Bclw	GALVTVGAFFASK	193
PN8965 Bclw	GALVTVGAFFASK	193

Exhibit-2